

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	File No. EB-02-TC-083
Bresnan Communications	)	
	)	CUID No. GA0034 (Jesup)
Complaint Regarding	)	
Cable Programming Services Tier Rates	)	

**ORDER**

**Adopted: September 4, 2002**

**Released: September 6, 2002**

By the Chief, Enforcement Bureau:<sup>1</sup>

1. In this Order, we dismiss a complaint filed with the Federal Communications Commission ("Commission") against the rates charged by the above-referenced operator ("Operator")<sup>2</sup> for its cable programming services tier ("CPST") in the community referenced above.

2. Under the provisions of the Communications Act<sup>3</sup> that were in effect at the time the complaint was filed, the Commission is authorized to review the CPST rates of cable systems not subject to effective competition upon the filing of a valid complaint. At the time the complaint was filed, Section 623(c) (3) of the Communications Act required that complaints be filed within "a reasonable period of time" following a change in rates.<sup>4</sup> The Commission determined that "a reasonable period of time" is 45 days.<sup>5</sup> At the time the complaint was filed, a local franchising authority ("LFA") was required to file a complaint within 45 days from the date the rate increase became effective.<sup>6</sup>

3. The referenced complaint was filed on November 28, 1994 against Operator's alleged October 28, 1994 CPST rate increase. However, our review of the record indicates that Operator did not raise its CPST rates until December 1994, after the complaint was filed. Therefore, we dismiss the

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<sup>1</sup> Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

<sup>2</sup> The term "Operator" includes Operator's successors and predecessors in interest.

<sup>3</sup> 47 U.S.C. §543(c) (1996).

<sup>4</sup> 47 U.S.C. §543(c) (3) (1996).

<sup>5</sup> *See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking*, MM Docket No. 92-266, 9 FCC Rcd 1164 at n. 314 (1994).

<sup>6</sup> *See, e.g., In the Matter of Suburban Cable TV, Inc.*, DA 01-1811, 16 FCC Rcd 14753 (CSB 2001); *In the Matter of TWFanch-One*, DA 00-1292, 15 FCC Rcd 10665 (CSB 2000).

referenced complaint because it was not filed in a timely manner.

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the complaint referenced herein against the CPST rate charged by Operator in the community referenced above IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau